REMARKS/ARGUMENTS

These remarks are made in response to the Office Action of February 21, 2007 (hereinafter Office Action). As this response is timely filed within the three-month shortened statutory period, no fee is believed due.   Nonetheless, the Examiner is expressly authorized to charge any deficiencies or credit any overpayment to Deposit Account No. 50-0951.

Claims 1, 2, 5-12, and 15-20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 6,263,064 to O'Neal, *et al.* (hereinafter O'Neal) in view of U.S. Patent No. 5,436,963 to Fitzpatrick, et al. (hereinafter Fitzpatrick.) Claims 3, 4, 13, and 14 were rejected under 35 U.S.C. § 103(a) as being unpatentable over O'Neal, in view of Fitzpatrick and in further view of U.S. Patent 6,631,186 to Adams, *et al.* (hereinafter Adams).

Amendments to the Claims

Applicants have amended independent Claims 1 and 11 to emphasize certain aspects of the invention. In particular, Claims 1 and 11 now recite the further limitation that communications are categorized to limit the reception state data to be presented to the sending party, where a category can be based on the purpose of the communication and/or the identity of the sending party. The Amendments, as discussed herein, are fully supported by throughout the Specification. No new matter has been introduced through the amendments.

Applicants' Invention

It may be useful to reiterate certain aspects of Applicants' invention prior to addressing the references cited in the Office Action. One embodiment of the invention, typified by independent Claim 1, as amended, is a method of message delivery. The method can include registering a plurality of reception states that have been established by a receiving party. (See, e.g., Specification, p. 3, lines 3-8, and p. 6, lines 3-5; see also

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p. 7, line 8 – p. 8, line 4.) Each reception state can specify reception state data defining rules for establishing communications links with receiving party addresses for different categories of messages. The reception state data can be used to inform the sending party of a time at which the receiving party prefers to receive delivery of a message in a category as well as the communication channel and the receiving party address through which the receiving party prefers to receive delivery of the message. Categories of messages can be based on the purpose of the message and/or the identity of the sending party.

The method can include establishing a communication link via one or more communication channels, where at least one alternate communication channel different from a communication channel associated with a first initiated communications link between a sending party and the receiving party is provided. (See, e.g., Specification, p. 7, lines 4-21; p. 8, line 22 – p. 9, line 2; see also p. 9, lines 21-28, and p. 11, lines 11-18.)

The method can further include identifying a receiving party address from the first initiated communications link, and based upon the identification and a category of the first initialized communications link, determining which reception state data specified by the plurality of reception states to present according to the receiving party address. So determined, the reception state data can then be presented to the sending party via the same communications channel of the first initiated communications link and in a format appropriate for the device establishing the first initiated communications link. (See, e.g., Specification, p. 8, line 22 - p. 9, line 2).

The Claims Define Over The Prior Art

In the Office Action, independent Claims 1 and 11, as noted above, were each rejected as being unpatentable over O'Neal in view of Fitzpatrick. O'Neal discloses a "computer-implemented control center" that enables a subscriber who subscribes to a plurality of communication services to "customize" communication options within a unified messaging system. (See, e.g., Col. 4, lines 8-12; see also Abstract.) Fitzpatrick

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discloses a processing system and method for handling incoming telephone calls according to a calendaring system. (See Abstract.)

On page 2 of the Office Action, it was acknowledged that the previous amendment succeeded in indicating in Claims 1 and 11 that reception state data was transmitted to the sending party via the communication channel of the first initialized link. However, the Office Action asserted that the claims did not clearly recite the limitation that the reception state data included presenting the preferred time at which the receiving party wished to be contacted, thus broadening the type of information being presented.

As of this amendment, Applicants respectfully submit that the limitation now clearly recites that a time, a communications channel, and a receiving party address are provided to the sender. For example, Claim 1 now recites that each of the reception states specifies reception state data defining a plurality of rules. Furthermore, Claim 1 also recites the rules specify a preferred time, a preferred communication channel, and a preferred receiving party address. Therefore, presenting the reception state data – that is, the rules for a category of messages – amounts to necessarily presenting the rules specified for a particular reception state to the sending party. In light of this amendment and arguments presented below, Applicants respectfully submit that O'Neal and Fitzpatrick fail to disclose or suggest each and every element as recited in Claims 1 and 11.

In particular O'Neal and Fitzpatrick fail to disclose or suggest that the limitation that the reception state data to be presented is limited to reception state data associated with a particular category of messages, in particular, the category of messages into which the first initialized communication falls. For example, Fitzpatrick is limited to the processing of telephone calls in which a telephone caller is provided with an option to access a calendar of the callee to determine a number to forward a call or message to. However, nowhere does Fitzpatrick disclose or suggest that the reception states presented – that is, the caller's options – may be limited because of the category associated with the

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telephone call. Rather, Fitzpatrick only discloses that all callers would be provided with the same options.

Similarly, O'Neal also fails to disclose or suggest such a feature. O'Neal discloses a unified messaging system that allows a subscriber to provide forwarding options for received calls and messages. In particular, O'Neal discloses only categorizing calls by type; that is, by email, fax, voice, etc. Nowhere does O'Neal suggest or disclose that a subscriber could classify callers, based on their identity or the purpose of the message or call, into categories with varying rules for forwarding and establishing communications.

In contrast, Claims 1 and 11 explicitly recite that reception state data is associated with a particular category that can be based on the purpose of the message and/or the identity of the sending party. Such a configuration allows different types of instructions (reception state data) to be provided to different sending parties. For example, calls, based on sending party identity or receiving party address, can be categorized into personal, emergency personal, business, or emergency business, to name a few. This allows the receiving party to provide specific rules for messages having varying purposes and to provide specific rules for presenting options to different groups of sending parties. Therefore, the method of Claims 1 and 11 provides a method to intelligently determine which options should be presented to the sending party, rather than blindly providing all possible options to the sending party.

Accordingly, O'Neal and Fitzpatrick, in combination with each other or any other reference of record, fail to disclose or suggest each and every feature recited in Claims 1 and 11. Applicants therefore respectfully submit that Claims 1 and 11 are allowable. Furthermore, Applicants respectfully submit that whereas the remaining claims are each dependent on one of Claims 1 and 11 while reciting additional features, the dependent claims are also allowable.

CONCLUSION

Applicants believe that this application is now in full condition for allowance, which action is respectfully requested. Applicants request that the Examiner call the undersigned if clarification is needed on any matter within this Amendment, or if the Examiner believes a telephone interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,

Date: May 21, 2007

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